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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 TANYA A. et al.,

12 Plaintiffs,

13 v.

14 CITY OF SAN DIEGO, et al.,

15 Defendants.
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Case No.: 14-cv-01942-L-AGS

**ORDER (1) ADOPTING REPORT
AND RECOMMENDATION; (2)
GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION FOR TERMINATING
SANCTIONS; AND (3) DISMISSING
WITH PREJUDICE PLAINTIFFS
TANYA A., ANGELA C., BERENIZ
F., KATELYNN D., DIANA D.,
TIANA E., MARITZA G., BRIANNA
H., EMILIA J., CLARISSA J., AND
MARIYA W.**

21 In this action for violation of constitutional rights filed by nude entertainment
22 dancers against the City of San Diego and the Chief of the San Diego Police Department,
23 Defendants moved for terminating sanctions pursuant to Federal Rules of Civil Procedure
24 30 and 37 against certain named Plaintiffs. Magistrate Judge Andrew G. Schopler issued
25 a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and Civil Local Rule
26 72.1(d), recommending to grant in part the unopposed motion. For the reasons stated
27 below, the report and recommendation is adopted. All claims brought by Plaintiffs Tanya
28 A., Angela C., Bereniz F., Katelynn D., Diana D., Tiana E., Maritza G., Brianna H.,

1 Emilia J., Clarissa J., and Mariya W. are dismissed with prejudice. Defendants' motion is
2 denied in all other respects.

3 In their motion, Defendants asserted that certain Plaintiffs had failed to appear at
4 their respective depositions, respond to written discovery requests, and otherwise
5 cooperate in discovery and prosecute their cases. (Doc. no. 81.) Plaintiffs did not oppose
6 the motion. On October 11, 2017, Judge Schopler held a hearing. Counsel for both sides
7 appeared, and submitted to his tentative ruling to recommend dismissals, and denying
8 other requested sanctions. (Doc. no. 108.) On the same date, Judge Schopler issued a
9 minute order summarizing his report and recommendation, and setting a briefing
10 schedule for any objections. (Doc. no. 90.) The time to file objections expired on
11 October 27, 2017. No objections have been filed.

12 A district judge "may accept, reject, or modify the recommended disposition" on a
13 dispositive matter prepared by a magistrate judge proceeding without the consent of the
14 parties for all purposes. Fed. R. Civ. P. 72(b)(3); *see* 28 U.S.C. § 636(b)(1)(B). "The
15 court shall make a de novo determination of those portions of the [report and
16 recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). When no
17 objections are filed, de novo review is waived. Section 636(b)(1) does not require review
18 by the district court under a lesser standard. *Thomas v. Arn*, 474 U.S. 140, 149-50
19 (1985). The "statute makes it clear that the district judge must review the magistrate
20 judge's findings and recommendations de novo *if objection is made*, but not otherwise."
21 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (emphasis
22 in original).

23 In the absence of objections, the Court adopts Judge Schopler's report and
24 recommendation. Accordingly, Defendants' motion for terminating sanctions (doc. no.
25 81) is granted in part and denied in part. All claims brought by Plaintiffs Tanya

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1 A., Angela C., Bereniz F., Katelynn D., Diana D., Tiana E., Maritza G., Brianna H.,
2 Emilia J., Clarissa J., and Mariya W. are dismissed with prejudice. In all other respects,
3 Defendants' motion is denied.

4 **IT IS SO ORDERED.**

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6 Dated: February 13, 2018

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8 Hon. M. James Lorenz
9 United States District Judge
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